IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 22211 of 2007(T)

AGAINST THE ORDER IN E.A.237/06 & EA 328/06
IN I.A.598/97 IN OS.44/1973 of SUB COURT, TIRUR
.....

PETITIONER:
----

1. UDAYABHANU, AGED 52 YEARS,
S/O LATE RAMACHANDRAN,
UNIKKAL HOUSE, PARIYARAM AMSOM, TANUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

2. PADMINI, W/O LATE RAMACHANDRAN,
AGED 75 YEARS,UNIKKAL HOUSE, PARIYARAM AMSOM,
TANUR DESOM, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:
----

1. SAVITHRI, W/O KANANM MARAKKANTE
PURAKKAL RAMAKRISHNAN, AGED 70 YEARS,
RESIDING AT KEERTHANAM, NANGADATH PEEDIKA P.O.,
TEMPLE GATE, THALASSERY.

2. CHANDRABHANU, AGED 45 YEARS,
S/O LATE RAMACHANDRAN,
UNIKKAL HOUSE, PARIYARAM AMSOM, TANUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

W.P.C. NO. 22211 OF 2007

= = = = = = = = = = = = = = =

Dated this the 19th day of July, 2007.

J U D G M E N T

This writ petition is filed seeking a direction to the Subordinate Judge, Tirur to consider Exts.P7 and P8 petitions before hearing E.A.327/06 and 328/06 and before taking final decisions in the claim petitions. It is in the execution stage of a final decree proceedings two claim petitions were filed and it is in that applications a contest is raised with respect to the contention that the property sought to be taken delivery is not available for partition and is not the subject matter of the suit.

2. Now, the prayer is only to consider the Commission applications before commencement of the trial of E.A.327/06 and 328/06. I am not going into the merits of the case but I direct the Subordinate Judge, Tirur to consider Exts.P7 and P8 and dispose of the same after hearing all the parties and till such a decision is taken, not to proceed with

the claim applications. The learned Subordinate Judge is directed to dispose of Exts.P7 and P8 petitions within a period of six weeks from today.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-